

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

JOEL BOUSE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 3:05-CV-0659 RM
	)	
JOHN R. VANNANNTA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

OPINION AND ORDER

Joel Bouse filed this *pro se* action pursuant to 42 U.S.C. § 1983, naming several Indiana Department of Correction officials as defendants. The Marshals Service was unable to serve process on defendant Kenny Banks. The remarks portion of Form USM-285 establishes that service was returned unexecuted because no person by that name ever worked at the Miami Correctional Facility.

The U.S. Marshal's office is charged with effecting service of process for inmates confined in state penal institutions. But the prisoner must furnish the Marshals Service with information necessary to identify the defendants. Sellers v. United States, 902 F.2d 598, 602 (7th Cir. 1990).

If service had failed on defendant Banks because he no longer worked at the facility, the court would order the clerk to issue an alias summons and direct the marshals service to attempt to locate him. But this procedure makes no sense where no person named Kenny Banks ever worked at the facility.

For the foregoing reasons, the court affords the plaintiff to and including July 31, 2006, within which to provide the marshals service with a correct name for this defendant and the materials necessary to serve him with process in this

case. The court advises the plaintiff that if he does not provide this information, the court may dismiss defendant Banks pursuant to Fed. R. Civ. P. 4(m) without prejudice and without further notice.

SO ORDERED.

Dated this 5<sup>th</sup> Day of July, 2006.

s/Christopher A Nuechterlein  
Christopher A. Nuechterlein  
United States Magistrate Judge